

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: December 4, 2002

Opposition No. 91120653  
ART FOR THE KIDS, INC.

v.

MARSHALL STREET DEPOT &  
CO., D/B/A PLENTY'S HORN

**Frances S. Wolfson, Interlocutory Attorney:**

On September 13, 2002, a communication was received by applicant, which included a copy of a settlement agreement between the parties.<sup>1</sup> As part of the settlement agreement, opposer agreed to "withdraw the Oppositions to the pending trademark applications of PLENTY'S HORN without prejudice, ...." The oppositions were not identified in the settlement agreement, nor were the trademarks listed.

Applicant's communication also included a copy of a letter that applicant erroneously sent to the Commissioner

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<sup>1</sup> Applicant's communication does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said communication is forwarded herewith to opposer, but strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

for Trademarks, requesting information about the status of particular trademarks that applicant allegedly owns.<sup>2</sup>

The trademarks in this letter were identified only by inapplicable reference numbers. The Board will not presume that the trademarks listed in applicant's letter are the subject of trademark applications filed with the Office, nor that they have been opposed.

Nonetheless, the Board will consider the settlement agreement applicable to the present proceeding, which is hereby dismissed without prejudice in accordance with the terms of the parties' settlement agreement.

***By the Trademark Trial  
and Appeal Board***

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<sup>2</sup> Applicant is reminded that all correspondence filed with the Office that relates to any opposition or cancellation proceeding involving applicant is to be addressed to the Board, not to any other branch of the Office. Applicant is further reminded that all such correspondence must identify the proceeding number of the case. See TBMP §106.01.